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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,508	08/01/2001	Tatsuo Kakimoto	Q65478	3296

7590 09/11/2003

SUGHRUE, MION, ZINN,
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EXAMINER
KAPUST, RACHEL B

ART UNIT	PAPER NUMBER
1647	

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/918,508	KAKIMOTO ET AL.	
	Examiner	Art Unit	
	Rachel B. Kapust	1647	

-- Th MAILING DATE of this communication app ars on the cover sh t with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-27* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-8, drawn to a method for analyzing agonist-activity to a cytokinin receptor, classified in class 435, subclasses 6 and 7.1.

II. Claims 9-16, drawn to a method for analyzing antagonist-activity to a cytokinin receptor, classified in class 435, subclasses 6 and 7.1.

III. Claim 17, drawn to a cytokinin receptor, classified in class 530, subclass 370.

IV. Claims 18 and 19, drawn to DNA encoding a cytokinin receptor and transformed host cells containing said DNA, classified in class 536, subclass 23.6.

V. Claims 20 and 21, drawn to a method for detecting agonist activity to a cytokinin receptor, classified in class 435, subclasses 6 and 7.1.

VI. Claim 22, drawn to a method for searching for an agonist to a cytokinin receptor, classified in class 435, subclass 7.1.

VII. Claims 23 and 27, drawn to a plant growth regulator, classified in class 530, subclasses 300 and 350.

VIII. Claims 24-26, drawn to a method for detecting antagonist-activity to a cytokinin receptor, classified in class 435, subclasses 6 and 7.1.

The inventions are distinct, each from the other because of the following reasons:

Group I is distinct from Groups II, V, VI, and VIII because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group I and Groups III, IV, and VII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP 806.06(h)). In the instant case, the products of Groups III, IV, and VII, the proteins, plant growth regulators, and nucleic acid molecules can be used in materially different methods, such as in various purification assays, ligand binding assays, or diagnostic methods.

Group II is distinct from Groups V, VI, and VIII because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group II and Groups III, IV, and VII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP 806.06(h)). In the instant case, the products of Groups III, IV, and VII, the proteins, plant growth regulators, and nucleic acid molecules can be used in materially different methods, such as in various purification assays, ligand binding assays, or diagnostic methods.

Groups III, IV and VII not related. They differ structurally and functionally and cannot be used together or interchangeably.

Group V is distinct from Groups VI and VIII because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group V and Group

VII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP 806.06(h)). In the instant case, the product of Group VII, the plant growth regulators, can be used in materially different methods, such as in various diagnostic methods.

Group VI is distinct from Group VIII because the methods are drawn to different conditions and thus have different goals and different outcome measures. Group VI and Group VII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP 806.06(h)). In the instant case, the product of Group VII, the plant growth regulators, can be used in materially different methods, such as in various diagnostic methods.

Because these inventions are distinct and/or unrelated for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the searches required for the different groups are dissimilar from each other, restriction for examination purposes as indicated is proper.

In addition, if Applicants elect Groups III or IV, Applicants are required to specify a restricted subgroup (one specific amino acid or nucleic acid sequence) for examination. To be perfectly clear, this is a restriction requirement and not an election of species. This requirement

is made under 1192 O.G. 68 Notice (November 19, 1996 and revised MPEP), as the examination of more than one sequence in the application would result in an undue search burden on the U.S.P.T.O. Each nucleic acid sequence is independent and distinct because specific nucleic acid molecules are structurally and functionally distinct from each other. The chemical structure of each nucleic acid molecule and each molecule containing the same differ from each other.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel B. Kapust whose telephone number is (703) 305-0634. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on (703) 308-4623. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

RBK
9/8/03

JANET ANDRES
PATENT EXAMINER